

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-30496 of 2021
Date of decision:09.08.2021

Ajmer Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gursimran Singh Bawa, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

The petitioner is seeking regular bail in case FIR No.06 dated 05.01.2021 registered under Sections 21 and 29 of [Narcotic Drugs and Psychotropic Substances Act, 1985](#) (for short “NDPS Act”) at Police Station STF, SAS Nagar, Mohali.

As per the version of the prosecution, FIR (Annexure P-1) was registered after Ajmer Singh (present petitioner) and Jatin Arora @ Jatin were searched on the basis of secret information and recovery of 260 grams of heroin was effected from the person of Ajmer Singh.

Counsel for the petitioner has contended that the petitioner is not involved in any case under the NDPS Act and the recovery effected from him is marginally above maximum limit of non-commercial quantity. He submits that investigation qua the petitioner is complete, challan has been presented and the petitioner, who is in custody since 05.01.2021 deserves to be enlarged on bail.

State Counsel does not dispute the clean antecedents of the petitioner. Upon instructions from ASI Vijay Kumar, he submits that challan has been presented on 28.04.2021, though charge is yet to be framed.

I have considered the submissions of the parties.

The contraband recovered from the petitioner is marginally above the threshold limit of non-commercial quantity as specified in the notification issued under the NDPS Act. Reliance can be placed upon the orders passed by this Court in ***Rajdev Giri Vs. State of Punjab***, CRM-M-44898-2019, decided on 18.09.2020; ***Rahish Vs. State of Haryana***, CRM-M-36498-2020, decided on 11.11.2020; ***Karambir Vs. State of Haryana***, CRM-M-31820-2019, decided on 28.08.2019; ***Jagjit Singh @Jagga Gill Vs. State of Punjab***, CRM-M-41242-2019, decided on 27.02.2020 and ***Baljit Kaur @ Baljito Vs. State of Punjab***, CRM-M-12849-2020, decided on 04.06.2020, wherein accused were enlarged on bail in cases where the alleged recovery was slightly more than the quantity prescribed for commercial category under the NDPS Act. Still further, it has not been

disputed that the petitioner is not involved in any other case of dealing with intoxicating substance.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegation, gravity of offence and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

It is further clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

August 09, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes